

Panaji, 28th March, 2019 (Chaitra 7, 1941)

SERIES II No. 52

OFFICIAL GAZETTE



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are seven Extraordinary issues to the Official Gazette, Series II No. 51 dated 22-03-2019 as follows:—

- (1) Extraordinary dated 22-03-2019 from pages 1049 to 1050 regarding Notification from Department of General Administration.
- (2) Extraordinary (No. 2) dated 23-03-2019 from pages 1051 to 1058 regarding Notifications from Department of Elections.
- (3) Extraordinary (No. 3) dated 25-03-2019 from pages 1059 to 1064 regarding Notification from Department of Elections.
- (4) Extraordinary (No. 4) dated 27-03-2019 from pages 1065 to 1066 regarding Direction from Department of Elections.
- (5) Extraordinary (No. 5) dated 27-03-2019 from pages 1067 to 1068 regarding Notification from Goa Legislature Secretariat.
- (6) Extraordinary (No. 6) dated 27-03-2019 from pages 1069 to 1070 regarding Notification from Department of General Administration.
- (7) Extraordinary (No. 7) dated 27-03-2019 from pages 1071 to 1072 regarding Notification from Goa Legislature Secretariat.

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Corrigendum

No. 2/9/95-AGR/2018-19/Part(I)/385

Read: Order No. 2/9/95-AGR/2018-19/Part(I)/370 dated 06-03-2019.

In the above referred order column No. 3 designation & place of present posting of incumbent at Sr. No. 12, 13 & 14 may be read as below:

Sr. No.	Name of the officer	Designation & Place of present posting	Place of posting on regular promotion to the post of Agriculture Officer
1	2	3	4
12.	Smt. Rouchelle Fernandes	"Adhoc Agriculture Officer, posted as Agriculture Officer (North-I), District Agriculture Office, North"	On regular promotion to be retained as Agriculture Officer (North-I), District Agriculture Office, North.
		Instead of	
		"Officiating Agriculture Officer posted as Agriculture Officer (North-I), District Agriculture Office, North"	
13.	Shri Shariff Anthony Furtado	"Adhoc Agriculture Officer, posted as Farm Superintendent, Government Agriculture Farm Codar"	On regular promotion to be posted against the newly created post of Agriculture Officer, District Agriculture Office, South under B.H. 2401-00-105-02-01.

1	2	3	4
		Instead of	
		"Officiating Agriculture Officer, posted as Farm Superintendent, Government Agriculture Farm Codar"	
14.	Shri Sujay M. Shirodkar	"Adhoc Agriculture Officer, posted as Agriculture Officer (NRM/PMKSY), Directorate of Agriculture"	On regular promotion to be posted on deputation against the post of Manager Farms, Goa State Horticulture Corporation Ltd.
		Instead of	
		"Officiating Agriculture Officer (NRM/PMKSY), Directorate of Agriculture"	

By order and in the name of the Governor of Goa.

Madhav B. Kelkar, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 20th March, 2019.



Department of Forest
Principal Chief Conservator of Forests

Order

No. 1-II-19(151)FD/2014-19/5580

Whereas Kum. Efa Do Rosario Vaz, while functioning as Round Forester of this department was posted/deputed in the office of the then Hon'ble Minister for PWD, RDA, Science & Technology, Porvorim on working arrangement from 29-12-2008 (a. n.).

And whereas Kum. Efa Do Rosario Vaz, Round Forester was relieved from the office of the Hon'ble Minister for PWD, RDA, Science & Technology on 20-02-2012 with direction to report to her parent department/office i.e. office of the Dy. Conservator of Forests, Wildlife & Eco-Tourism (North), Panaji with immediate effect.

And whereas Kum. Efa Do Rosario Vaz, Round Forester failed to report for duty at the office of the Dy. Conservator of Forests, Wildlife & Eco-Tourism (North), Panaji till date.

And whereas, Kum. Efa Do Rosario Vaz, Round Forester instead of reporting to duty approached various Ministers at local and central Government level to address her grievances.

And whereas as per Rule 20 of CCS (Conduct) Rules, 1964 and Government of Goa's Circular No. 2/2/2001-PER dated 09-10-2012, Government employees are refrained from approaching Ministers/Political functionaries to address their grievances.

And whereas Kum. Efa Do Rosario Vaz, Round Forester declined to accept the various correspondence addressed to her by this office through Postal Authorities, which were returned with the remark 'Unclaimed'.

And whereas vide Memorandum No. 1-II-19(151)/2003-14/6855 dated 20-03-2014, a Departmental Inquiry under Rule 14 of CCS (CCA) Rules, 1965 was initiated against Kum. Efa Do Rosario Vaz, Round Forester to inquire into the above said charges.

And whereas Inquiry Report No. RES/ACF/INQUIRY/2015-16/514 dated 14-07-2016 was submitted by the Inquiry Officer to the Disciplinary Authority.

And whereas vide this office letter No. 1-II-19 (151)FD/2014-17/5236 dated 23-01-2017, the said inquiry report was served on Kum. Efa Do Rosario Vaz, through postal authorities for submitting written representation if any. However, the same was returned by the Postal Authorities with the remarks "UNCLAIMED".

And whereas a notice dated 23-05-2017, was issued to Kum. Efa Do Rosario Vaz, Round Forester through local newspapers giving her last chance to respond, failing which her services shall be terminated w.e.f. 21-02-2012. However, she did not respond to the notice.

And whereas vide letter No. 1-II-19 (151)/FD/2014-18/6327 dated 09-03-2018 a final opportunity was given to Kum. Efa Do Rosario Vaz, Round Forester to explain the reason for abstaining from duties from 24-02-2012 and the reason for not

accepting the correspondence addressed to her by the office. However, the said letter was also returned by the Postal Authorities with the remarks "UNCLAIMED".

Now therefore after carefully going through the Inquiry Report and other records available in this department, the Principal Chief Conservator of Forests/Disciplinary Authority in exercise of his powers vested in him under Rule 11(ix) of CCS (CCA) Rules, 1965, hereby award her the penalty of dismissal from Government service w.e.f. 20-02-2012. The period of unauthorized absence from duty from 20-02-2012 till the date of issue of this order is treated as 'Period not spend on Duty' for all purpose.

This issues with the approval of Principal Chief Conservator of Forests.

Dr. N. Palanikanth, IFS, Dy. Conservator of Forests (Headquarter).

Panaji, 8th March, 2019.

Department of Labour

Notification

No. 28/2/2019-LAB/229

The following award passed by the Labour Court-II, at Panaji-Goa on 27-02-2019 in case No. LC-II/IT/03/2016 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).
Porvorim, 25th March, 2019.

IN THE LABOUR COURT-II

GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. LC-II/IT/03/2016

Shri Sudhakar Borkar,
Rep. by the General Secretary,
Kadamba Kamgar Union,
Bg-10, Gr. Floor,
Casa Immaculade Jose,
Panaji-Goa. Workman/Party I
V/s

The Managing Director,
M/s. Kadamba Transport
Corporation Ltd.,
Paraise de Goa,
Alto-Porvorim, Goa. Employer/Party II

Workman/Party I represented by Adv. Shri A. Kundaikar.

Employer/Party II represented by Adv. Shri P. Agarwal.

Panaji, Dated: 27-02-2019

AWARD

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa by Order dated 15-01-2016 bearing No. 28/55/2015-Lab/27 referred the following dispute for adjudication to this Labour Court-II of Goa at Panaji, Goa.

"(1) Whether there is an anomaly in the pay fixation made by M/s. Kadamba Transport Corporation Limited, Panaji, Goa, in respect of Shri Sudhakar G. Borkar, Conductor, thereby depriving the monetary benefits to the workman?

(2) If the answer to issue No. (1) above is in the affirmative, then, what relief the workman is entitled to?"

2. On receipt of the reference, a case was registered under No. LC-II/IT/03/16 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 30-03-2016 at Exhibit 5. The facts of the case in brief as pleaded by the Workman are that he was appointed as 'conductor' by the Employer/Party-II (for short "Employer") in the year 1982. He stated that he was designated as 'conductor' TBPS and the existing emoluments as on 01-01-2006 was fixed in the pay scale of Rs. 4000-100-6000/- and his basic pay was Rs. 4700/-, DA of Rs. 2350/-. He stated that his pay in the revised pay band was fixed at Rs. 8750/- plus Rs. 2400/- grade pay. He stated that in terms of circular dated 21-11-2000 and on recommendation of departmental promotional committee, he was granted Time Bound Promotional Scale (TBPS) in the pay scale of Rs. 4000-100-6000/- w.e.f. 01-11-2000 by order dated 28-01-2003. He stated that on recommendation of departmental promotional committee, he was granted second up-gradation on completion of 25 years of service in the same grade in accordance with the existing hierarchy in cadre/category of post in the pay scale

of Rs. 4000-100-6000/- under the Assured Career Progression Scheme w.e.f. 01-04-2007. He stated that his increment was fixed at Rs. 5100/- w.e.f. 01-04-2008. He stated that on implementation of the Assured Career Progression Scheme (ACPS) he was entitled for arrears with effect from 23-09-2008. He stated that he was granted ACP up-gradation between 01-01-2006 and 31-08-2008 and therefore he had option to have his pay fixed in the revised pay structure w.e.f. the date of financial up-gradation under the ACP with reference to the pre-revised scale granted under ACP. He stated that he was granted financial up-gradation in the next higher scale in the hierarchy of the cadre as per the provisions of ACP and therefore on implementation of career progression scheme recommendation the next higher post in hierarchy of the cadre to be upgraded by granting higher pay grade. He stated that he was deprived of the financial up-gradation as required under the scheme resisted the fixation of pay scale as there was anomaly in pay fixation by letter dated 04-03-2009. He stated that consequent upon the adoption of sixth pay scale and as extended to the employees of the Employer his pay scale was fixed by order dated 31-05-2010. He submitted that after implementation of the MACPS, he was entitled for two financial up-gradation to the next higher grade of Rs. 4600/- in the pay band which has been denied to him resulting in anomaly in pay fixation. He submitted that however, the said anomaly was not rectified and therefore there was disparity in pay fixation under the ACPS.

3. He stated that consequent upon the adoption of sixth pay, his pay was revised. He stated that on recommendation of the departmental promotion committee and on completion of 30 years of service in the same cadre, he was granted third up-gradation in the pay band of Rs. 9300-34800+4200/- grade pay under the Modified Assured Progression Scheme (MACPS) and his basic pay was fixed at Rs. 12480/- + Rs. 4200/- grade w.e.f. 01-04-2013 by order dated 26-06-2014. He submitted that he was entitled for arrears w.e.f. 01-04-2013 in accordance with the said order however, till date he was not paid the arrears arising out of the said order.

4. The Workman challenged the anomaly in his pay fixation on account of non-implementation of third financial up-gradation under MACPS, thereby depriving the monetary benefits to him. The Workman contended that he is illegally deprived of the benefits of third up-gradation despite of the eligibility in accordance with the MACPS. He submitted that he was granted ACP up-gradation between 01-01-2006 and 31-08-2008 and therefore

he had option to have his pay fixed in the revised pay structure w.e.f. the date of financial up-gradation under the ACP with reference to the pre-revised scale granted under the ACP. He submitted that he shall be entitled for the arrears of pay from the date of his financial up-gradation and that the revision was not done accordingly. He submitted that he was granted financial up-gradation in the next higher scale in the hierarchy of the cadre as per the provisions of ACP and therefore on implementation of career progress recommendation, the next higher post in the hierarchy of the cadre to be up-graded by granting higher pay grade. He submitted that the action of the Employer smacks of malafide and is ex-facie instance of unfair labour practice. He submitted that he was denied implantation of second up-gradation despite of eligibility only to victimize him. He submitted that the action of the Employer in not extending the benefits of implementation of the second financial up-gradation is illegal and in the interest of justice, he be released with the second financial up-gradation on completion of 20 years of service in October, 2013.

5. He stated that his case is gross case wherein the workmen have been compelled to seek sanctuary in portals of the Hon'ble Tribunal. He submitted that he is grossly discriminated against the whims and caprices of unmoving bureaucracy. He submitted that the illegal denial of up-gradation under the MACPS have resulted in anomaly in pay fixation and therefore the pay fixation is not fair and is not inconsistency with the MACPS. The Workman therefore prayed that the Hon'ble Tribunal be pleased to pass an award holding that his withholding that the revision of pay scale is not in consonance with the scheme and release the monetary benefits in accordance with the scheme and that the Employer be directed to pay the arrears as accrued to him in accordance with the pay revision. The Workman further prayed that this Hon'ble Court be pleased to grant the monetary benefits on grant of third financial up-gradation from the date of eligibility and other consequential benefits attached to the third financial up-gradation.

6. The Employer resisted the claim of the Workman by filing its written statement on 02-09-2016 at Exb. 09. The Employer, as and by way of its preliminary objections, submitted that the reference is not maintainable as there is no industrial dispute exist between the parties as defined u/s 2 (k) of the I.D. Act, 1947, and that the reference has been made by the Government of Goa without any material on record, in haste and without application of mind.

7. The Employer stated that it is a Government Company registered under Section 617 of the Companies Act, 1956 and also a State Transport Undertaking under the Provisions of Motor Vehicles Act, 1988. The Employer stated that it has been served with the copy of the claim statement filed by the Workman with distorted facts. The Employer stated that its employees are not the employees of the Government of Goa. The Employer stated that it being a separate legal entity altogether different of Government of Goa, the service benefits being granted by the Government of Goa to its employees, do not become automatically applicable to its employees. The Employer stated that its employees are governed by its own Certified Standing Orders. The Employer stated that the service condition applicable to its employees are specified in its Certified Standing Orders as well as Memorandum of Settlement drawn between its management and its employees union from time to time. The Employer stated that the service conditions of its employees are not governed by Government notifications, regulations, orders etc. which are applicable to the Government employees only. The Employer stated that any benefits, which are required to be extended to its employees, are required to be extended by the resolution of its Board of Directors or through the settlement arrived at between its management and its workmen union. The Employer stated that similarly, there are certain benefits which are otherwise not applicable to the Government employees, but the same are made available to its employees. The Employer stated that the Workman represented by the union raised a dispute before the conciliation authority demanding the implementation of the recommendation of the sixth central pay commission as made applicable to the employees of the Government of Goa. The Employer stated that the dispute was taken into conciliation and the point of amicable settlement was arrived between both the parties and a memorandum of settlement dated 30-04-2010 u/s 12(3) r/w 18 (3) of the I.D. Act, 1947 was signed. The Employer stated that in accordance with the O.M. dated 15-05-2012 which is also a part of the recommendation of sixth central pay commission, they placed a proposal before the board seeking approval for applying the benefits of the said O.M. to the eligible workmen. The Employer stated that its board was pleased to approve in principle the proposal vide resolution No. 82/2012 subject to the clarification from the Government and thereafter the pay of the workman including other eligible workmen were revised vide order dated 10-06-2013 in accordance with said O.M. dated 15-05-2012. The Employer stated that

the sixth pay commission, in para 6:1:15 of its report, had recommended MACPS. The Employer stated that as per the resolution No. 110/11 passed by its Board of Directors in its 176th meeting MACPS was adopted to its eligible employees, who have completed 10-20-30 years of regular service vide the aforesaid resolution and circular dated 27-11-2012. The Employer stated that on the recommendation of the departmental promotional committee, the workmen including the workman under reference who were eligible were extended the benefits of the MACPS.

8. The Employer stated that the workman joined in its service w.e.f. 06-10-1982 on daily wages. The Employer stated that the services of the Workman were regularized w.e.f. 01-04-1983. The Employer stated that the conductors' promotional avenue is traffic controller and traffic controller to assistant traffic inspector. The Employer stated that as per the provisions of fifth pay commission the scale of the conductor was Rs. 3050-75-3950-80-4590. The Employer stated that the scale of the controller was Rs. 4000-100-6000/-. The Employer stated that upon granting ACP (second financial up-gradation) to the workman, his scale was fixed in the next promotional pay scale at Rs. 4000-100-6000/- which scale was a promotional scale to the post of Traffic Controller to Asstt. Traffic Inspector. The Employer stated that at the time of fixation of sixth pay recommendations, those conductors were granted ACPS as second up-gradation as the grade pay of the existing post and promotional post is same. The Employer therefore submitted that the pay fixation which was made to the workman is in order and as such there is no cause of action arouse to the present dispute and the reference is therefore bad and not maintainable. The Employer denied the overall case as pleaded by the Workman and prayed that the reference be rejected.

9. Thereafter, the matter was fixed for filing rejoinder on 22-09-2016. However, Ld. Adv. Shri A. Kundaikar, appearing for the Workman submitted that the he did not wish to file any rejoinder.

10. Based on the pleadings filed by the parties hereinabove, this court framed the following issues on 07-11-2016 at Exb. 10.

1. Whether the Workman/Party-I proves that there exist an anomaly in his pay fixation made by the Employer/Party II, thereby depriving him monitory benefits?
2. Whether the Employer/Party II proves that the present order of reference is bad-in-law and not maintainable in view of the reasons mentioned in para 2 (a) and (b) as well as para 4 to 14 of its written statement?

3. Whether the Workman/Party-I is entitled to any relief?

4. What order? What award?

11. My findings to the aforesaid issues are as under:

- (a) Issue No. 1 : In the Negative.
- (b) Issue No. 2 : In the Affirmative
- (c) Issue No. 3 & 4 : As per final order.

REASONS

I have heard the oral arguments of Ld. Adv. Shri A. Kundaikar appearing for the Workman as well as Ld. Adv. Shri P. Agarwal appearing for the Employer. Both the parties also filed their synopsis of written arguments respectively. I have carefully perused the entire records and proceedings of the present case. I have also carefully considered the oral as well as written submissions advanced by the Ld. Advocates appearing for the respective parties and is of the considered opinion as under:

12. *Issue No. 1 and 2:*

The Workman filed his statement of claim, setting forth his grounds of challenge. It appears from the pleadings of the Workman that he challenged the anomaly in his pay fixation on account of non-implementation of third financial up-gradation under the MACPS thereby depriving him monetary benefits by contending to be illegal despite his eligibility, he shall be entitled for arrears of pay from the date of financial up-gradation and the revision was not done accordingly, his pay in the revised pay structure shall be fixed with reference to the higher grade pay granted to the post and not extending the benefits of implementation of second financial up-gradation is illegal.

13. Undisputedly, the Workman under reference joined in the services of the Employer as 'conductor' w.e.f. 06-10-1982 on daily wages. The services of the Workman were subsequently regularized with effect from 01-04-1983. By circular dated 21-11-2000 (Exb. 26), the Board of Directors has approved the implementation of Time Bound Promotional Scale (TBPS) and made applicable to its employees w.e.f. 01-11-2000. As per the said TBPS, the employee should have put in at least 12 years of service in the existing post. The Workman was issued an order dated 28-01-2003 (Exb.12) by which he was granted TBPS in the pay scale of Rs. 4000-100-6000 w.e.f. 01-11-2000 and he was designated as conductor (TBPS). By the said order, the basic pay of the Workman was fixed at Rs. 4200/-.

14. The Employer produced on record a copy of O.M. dated 28-06-2001 (Exb. 28) pertaining to the Assured Career Progression Scheme (ACP). As per the circular dated 27-11-2012 issued by the Managing Director of the Employer (Exb. 20), in terms of the board resolution No. 116/2008 obtained in its 160th meeting held on 23-09-2008, the eligible employees were granted ACP. As per the recommendations of the said ACP Scheme, the financial up-gradation was available in the next higher pay scale whenever an employee has completed 12 years as first financial up-gradation and 24 years as second financial up-gradation. The Board of Directors of the Employer Corporation, in its meeting held on 23-09-2008, unanimously resolved to adopt the Assured Career Progression Scheme (ACP) in substitution of TBPS with prospective effect with effect from 23-09-2008 (Exb. 29). The Workman was accordingly issued an order dated 25-02-2009 (Exb.13) on recommendation of departmental promotion committee and subsequent approval who have completed 24 years of service as second up-gradation in accordance with the existing hierarchy in a cadre/category of post in the pay scale of Rs. 4000-100-6000 under ACP in terms of board resolution No. 116/2008 w.e.f. 01-04-2007. By the said order his basic pay was shown as Rs. 5000/- and basic pay after increment of Rs. 5100/- w.e.f. 01-04-2008. Though the workman completed 24 years of service in the same post, the said order at Exb. 13 is erroneous and contrary to the resolution at Exb. 29

15. The evidence on record indicates that the Workman represented by the Union raised a dispute before the conciliation authority demanding the implementation of the recommendations of the sixth central pay commission as made applicable to the employees of the Government of Goa. The evidence on record indicates that the dispute was taken into conciliation and the point of amicable settlement was arrived at between both the parties and a memorandum of settlement dated 30-04-2010 was signed under section 12 (3) r/w Section 18 (3) of the I.D. Act, 1947. Further, consequent upon the adoption of sixth pay scale of the Central Civil Services (Revised Pay) Rule, 2008 as extended to the KTCL employees, the workman was issued a provisional statement of pay fixation dated 31-05-2010 (Exb.15). By the said provisional statement of pay fixation, the basic pay of the workman as on 01-01-2006 has been shown as Rs. 4700/- plus Rs. 2350/- as D.P. and Rs. 1692/- as DA. By the said provisional pay fixation order the revised pay band and grade pay of the workman

has been shown as Rs. 5200-20200+Rs. 2400/-, as against the pre-revised scale of Rs. 4000-100-6000/. The said provisional statement of pay fixation at Exb. 15 indicates that final pay fixation order will be issued after receiving confirmation of the above statement or within a period of 90 days from the date of issue whichever is earlier. There is nothing on record to show that the Workman has objected/made grievances against the said provisional pay fixation at Exb.15.

16. The Employer Corporation was pleased to adopt MACPS w.e.f. 01-09-2008 notionally and the monetary benefits w.e.f. 01-01-2012 to its eligible employees in substitution of its earlier ACP Scheme in its 176th Board of Directors meeting held on 31-11-2011 (Exb. 20). In terms of the said MACPS, there shall be three financial up-gradation after completion of 10, 20 and 30 years of regular service on the same post. By another order dated 16-12-2013 (Exb.30) on recommendation of departmental promotional committee, the workman who had completed 24 years of service in the said post, was granted with benefits under the MACPS in terms of BOD resolution No. 90/13 in the pay band of Rs. 5200-20200+Rs. 2800 grade pay and his basic was fixed at Rs. 10360/- + Rs. 2800/- grade pay w.e.f. 01-09-2008 notionally and monetary benefits from 01-01-2012. Further the Workman was issued an order dated 26-06-2014 (Exb.14) on recommendation of departmental promotional committee who have completed 30 years of service was granted third up-gradation in the pay band of Rs. 9300-34800/- + Rs. 4200/- grade pay under MACPS in terms of board resolution No. 110/11 and circular dated 27-11-2012. By the said order at Exb. 14, the basic pay of the Workman was fixed at Rs. 12480/- plus Rs. 4200/- grade pay w.e.f. 01-04-2013. The Workman was told to exercise an option if he so desire within one month from the date of the said order. Accordingly, by order dated 28-04-2016 (Exb. 16), the Workman made an option application dated 07-08-2014 which was considered and his basic pay was fixed at Rs. 12940/- plus Rs.4200/- grade pay w.e.f. 01-07-2013. The Workman, in his cross-examination, admitted that he has received a sum of Rs. 1,30,000/- as an arrears from the Employer till the date of his deposition and one installment of Rs. 14,000/- is yet to receive by him from the Employer. The Workman further admitted that he has received the second last installment of Rs. 14,000/- in pursuance of the order of the Employer at Exb.16 before last fifteen days from the date of deposition.

17. Ld. Adv. Shri A. Kundaikar, representing the Workman in his written synopsis of arguments submitted that the sole witness of the Employer Shri V. D. Harmalkar admitted that the revised pay band and grade pay corresponding to the pre-revised scale has been erroneously shown as Rs. 2400/- instead of Rs. 2800/- which is correct grade pay w.e.f. 01-04-2007 on being shown to him the provisional statement of pay fixation (Exb. 15). However, I do not find any merits in the submissions of Ld. Adv. A. Kundaikar appearing for the Workman, as firstly, the pleadings of the workman on record does not indicate that he has made any grievances/challenge to the said provisional pay fixation at Exb.15. Secondly, as stated in para 13 hereinabove, the said provisional statement of pay fixation at Exb.15 indicates that final pay fixation order will be issued after receiving confirmation of the above statement or within a period of 90 days from the date of issue whichever is earlier. There is nothing on record to show that the Workman has objected/made grievances against the said provisional pay fixation at Exb. 15.

18. The workman had completed 24 years of service in the same post as on 1-4-2007. The Workman was issued two orders, one dated 25-02-2009 under ACP Scheme and another dated 16-12-2013 (Exb. 30), under the MACPS by which the basic pay of the Workman was fixed at Rs. 10360/- + Rs. 2800/- grade pay w.e.f. 01-09-2008 notionally and monetary benefits from 01-01-2012. Hence, it is held that the Workman failed to prove that there existed an anomaly in the pay fixation of the Workman made by the Employer thereby depriving him monetary benefits. The issue No. 1 is therefore answered in the negative. It is further held that Workman was given the benefits of TBPS, ACP Scheme as well as the MACPS from time to time immediately after the date of introduction of the said schemes, thereby, does not exist any anomaly in the Pay Fixation of the workman. The Issue No. 2 is therefore, answered in the affirmative.

19. Issue No. 3:

While deciding the issue No. 1, I have discussed and come to the conclusion that the Workman failed to prove that there existed an anomaly in the pay fixation of the Workman made by the Employer thereby depriving him monetary benefits. The Workman is therefore not entitled to any relief. The issue No. 3 is therefore answered in the negative.

In view of the above discussion and with regards to the facts and circumstances of the case, I pass the following order:

ORDER

1. It is held that the Workman failed to prove that there exist an anomaly in pay fixation of Workman thereby depriving him the monetary benefits.
2. It is further held that the Workman, Shri Sudhakar Borkar, Conductor, is not entitled to any relief.
3. No order as to costs.

Inform the Government accordingly.

Sd/-

(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II.

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Department of Personnel

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Order

No. 6/3/2002-PER (Vol.I)/940

Read: Order No. 6/3/2002-PER (Vol. I) dated 04-07-2017.

Order No. 6/3/2002-PER (Vol. I)/3069 dated 11-10-2017.

Order No. 6/3/2002-PER (Vol. I)/771 dated 06-03-2019.

Whereas, on the recommendation of the Departmental Promotion Committee (DPC) meeting held on 28-06-2017, as conveyed by the Goa Public Service Commission vide letter No. COM/II/11/42(4)/2016(Part file)/696 dated 29-06-2017, the Junior Scale Officers were promoted to Senior Scale of Goa Civil Service, in Level 11 of the CCS (Revised Pay) Rules, 2016 vide Order No. 6/3/2002-PER (Vol.I) dated 04-07-2017;

And whereas, on the recommendation of the Departmental Promotion Committee (DPC) meeting held on 27-09-2017, as conveyed by the Goa Public Service Commission vide letter No. COM/II/11/42(4)/2016(Part file)/889 dated 29-09-2017, Shri Parag Nagarcenkar was promoted to Senior Scale of Goa Civil Service, in Level 11 of the CCS (Revised Pay) Rules, 2016 vide Order No. 6/3/2002-PER (Vol.I)/3069 dated 11-10-2017;

And whereas, the Departmental Promotion Committee (DPC) earlier held on 28-06-2017 and 27-09-2017 did not consider Smt. Sharmila Zuzarte for promotion;

And whereas, upon representation from Smt. Sharmila Zuzarte, for expunging adverse remark in the APAR for the year 2014-15, the Competent Authority decided to treat the said APAR as non-Est/null and void;

And whereas, considering the above development, a proposal was referred to GPSC for review of DPC held on 28-06-2017;

And whereas, the GPSC vide letter No. COM/II/11/42(4)/2016 (Part file)/373 dated 18-02-2019 has conveyed recommendation of the DPC to promote Smt. Sharmila Zuzarte to the post of Senior Scale Officer of Goa Civil Service on regular basis in the review DPC held on 14-02-2019;

Now therefore, the Governor of Goa is pleased to promote Smt. Sharmila Zuzarte in terms of Rule 31 of the Goa Civil Service Rules, 2016 to Senior Scale in Level 11 of the CCS (Revised Pay) Rules, 2016 on regular basis w.e.f. 04-07-2017 and place her in the promotion Order bearing No. 6/3/2002-PER(Vol.I) dated 04-07-2017 and 11-10-2017 as under:

Sr. No.	Name of the officers	Position in promotion order
1.	Smt. Sharmila Zuzarte	Below Shri Devidas S. Gaonkar and above Shri Pandharinath Naik.

The officer shall exercise option for fixation of pay in promotional grade in terms of F.R. 22(I) a(1), within a period of one month from the date of issue of this order.

This issues in supersession of the Order read in preamble at (3).

By order and in the name of the Governor of Goa.

Harish N. Adconkar, Under Secretary (Personnel-I).
Porvorim, 25th March, 2019.

Corrigendum

No. 22/4/2019-PER/917

Read: Order No. 22/4/2019-PER/775 dated 06-03-2019.

The word (a.n.) in last line of the order dated 06-03-2019 shall be substituted to be read as (f.n.).

By order and in the name of the Governor of Goa.

Shashank V. Thakur, Under Secretary (Personnel-II).
Porvorim, 22nd March, 2019.

Department of Public Health

Government Printing Press

Notification

No. 13/10/2007-I/PHD(Part)/770

In exercise of the powers conferred by Section 45 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) read with Rule 2.1.4. of the Food Safety and Standards Rules, 2011, I, Shri J. Ashok Kumar, the Commissioner of Food Safety, hereby appoint Smt. Maria Lyudmilla Janine Coutinho, Assistant Chemist (Food) in the Directorate of Food and Drugs Administration, Bambolim, to be Food Analyst for the purpose of the said Act, for the entire State of Goa, with immediate effect.

J. Ashok Kumar, IAS, Commissioner of Food Safety.
Porvorim, 13th March, 2019.

Department of Skill Development & Entrepreneurship

Directorate of Skill Development & Entrepreneurship

Corrigendum

No. 3/27/2018/DSDE/EST/4566

Read: Order No. 3/27/2018/DSDE/EST/3586 dated 21-12-2018.

Fourth para of order referred above may be read as:

"The above appointment is subject to the terms and conditions stipulated in the Memorandum No. 3/27/2018/SD&E/EST/2089 dated 26-07-2018"

instead of

The above appointment is subject to the terms and conditions stipulated in this Office Memorandum No. 2/123/2014/SDCT/EST/99 dated 06-01-2014".

Dipak Desai, Director & ex officio Joint Secretary (Skill Development & Entrepreneurship).

Panaji, 25th March, 2019.

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